

UNITED STATES DISTRICT COURT
for the
DISTRICT OF MASSACHUSETTS

PAUL T. PAPADAKIS,
Plaintiff,

v.

CSX TRANSPORTATION, INC.,
Defendant.

C.A. No.: 04-30189-MAP

**CSX TRANSPORTATION, INC.'S MOTION TO RECONSIDER THE ALLOWANCE
OF THE PLAINTIFF'S MOTION TO COMPEL DEFENDANT'S ADEQUATE AND
COMPLETE RESPONSES TO PLAINTIFF'S REQUESTS FOR ADMISSIONS**

Counsel for the defendant, CSX Transportation, Inc. ("CSX"), hereby moves that this Honorable Court reconsider the allowance of the *Plaintiff's Motion to Compel Defendant's Adequate and Complete Responses to Plaintiff's Requests for Admissions* in the above-captioned matter as entered today, September 28, 2005. As grounds therefore, counsel for CSX states the following:

1. On Monday, September 26, 2005, CSX's counsel obtained from counsel for the plaintiff an extension to file the opposition to the *Plaintiff's Motion to Compel Defendant's Adequate and Complete Responses to Plaintiff's Requests for Admissions* until close of business on September 28, 2005. *See* letter to Attorney Bryne, dated September 26, 2005, attached hereto as Exhibit "1."

2. Counsel for CSX obtained this additional extension due to the fact that he has been on trial at the Suffolk Superior Court in the matter of Burke v. Consolidated Rail Corporation, et. al., C.A. No.: 99-5325, since September 16, 2005.

3. Counsel for CSX remains on trial in that matter which is due to go to the jury on Monday, October 3, 2005.

4. Counsel for CSX has completed the opposition to the plaintiff's motion, which is attached hereto as Exhibit "2."

WHEREFORE, CSX requests that the court reconsider its initial allowance of the plaintiff's motion and take into consideration the issues raised by CSX in its opposition.

REQUEST FOR HEARING

CSX respectfully requests a hearing on the within motion in the interests of justice.

Respectfully submitted,
CSX TRANSPORTATION, INC.,
by its attorneys,

/s/ Michael B. Flynn

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Dated: September 28, 2005